IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24049 of 2004

Between:

Smt.B.Yasodamma W/o.B.Subbarayudu
R/o.Pedda gummadapuram Village Kothapalli Mandal, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Kurnool.
3 The Mandal Revenue Officer, Kothapali Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, preferable to the nature of writ of Mandamus declaring the action of the 2nd respondent in suspending the petitioners authorization for the Fair Price Shop Dealer of Pedda Gummadapuram Village, Kothapalli Mandal Kurnool District by issuing impugned Suspension order in Rc B.1573/2004, dt.30.11.2004 on flimsy and untenable grounds only yielding to the political pressures and further action of the 1st respondent in not disposing the appeal filed by the petitioner, as illegal, arbitrary and violation of Article 14,19,21 of constitution of India and consequently set aside the above stated impugned proceedings of the 2nd respondent with a further directions to the respondents to continue the petitioner as Fair Price Shop dealer of Peda Gummadapuram Village, Kothapalli Mandal, Kurnool District and pass such other order or orders.

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

Counsel for the Respondents 1 to 3: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner was appointed as a fair price shop dealer of Pedda Gummadapuram village, Kothapalli mandal, Kurnool district in the year 1996. The second respondent suspended her authorization through proceedings dated 30.11.2004. Aggrieved thereby, the petitioner preferred an appeal before the first respondent, together with an application for stay. Her grievance is that no orders have been passed so far either in the appeal or in the stay petition, and seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The authorization of the petitioner was suspended on the basis of a report dated 04.08.2004 said to have been submitted by the third respondent. The allegations against the petitioner, are that she is selling the essential commodities in lesser quantities, weighments are not proper and that she is collecting Rs.0.25 ps. over and above the cost of the rice, are general in nature. It was also alleged that she is keeping the shop open only for two or three days in a month. The petitioner has filed the copy of the representation said to have been signed by about 130 residents of the village to the effect that she has not committed any irregularities. This Court cannot record any finding on such disputed questions of fact.

The application for grant of stay ought to have been disposed of by the first respondent without much delay. In many cases, delay in disposal of such applications would, in fact, defeat the very purpose of appeal.

In the present case, *prima facie*, it is evident that the second respondent

suspended the authorization of the petitioner nearly four months after he received the report from the Mandal Revenue Officer. Within this time, he could have verified the truth or otherwise of the allegations against the petitioner by giving her an opportunity. The petitioner has been continuing as dealer since 1996 and the nature of allegations against her are not so serious as to warrant suspension pending enquiry.

Hence, the writ petition is disposed of directing that the order of suspension passed against the petitioner shall remain stayed till the first respondent disposes of the appeal. No order as to costs.

27.12.2004

Note:

Issue CC in two days.

(BO)

ksld

To

1 The Joint Collector, Kurnool District.
2 The Revenue Divisional Officer, Kurnool.
3 The Mandal Revenue Officer, Kothapali Mandal, Kurnool District.

4 Two CCs.to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT)

5 Two CD copies.